IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 4TH JANUARY 2007 / 14TH PAUSHA 1928

Mat.Appeal.No. 100 of 2006()

OP.582/1997 of FAMILY COURT,TRIVANDRUM
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PETITIONER: APPELLANTS/COUNTER PETITIONERS:
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1. P. GIRIJA, D/O. PANKAJAKSHY,
SOBHANA BHAVAN, T.C.49/1143, CHIRAMUKKU,
IRANIMUTTOM, MANACAUD P.O.,
THIRUVANANTHAPURAM.

2. SURESH KUMAR, S/O. P. GIRIJA,
SOBHANA BHAVAN, T.C.49/1143, CHIRAMUKKU,
IRANIMUTTOM, MANACAUD P.O., THIRUVANANTHAPURAM.

3. ANILKUMAR, S/O. P. GIRIJA,
SOBHANA BHAVAN, T.C.49/1143, CHIRAMUKKU,
IRANIMUTTOM, MANACAUD P.O.,
THIRUVANANTHAPURAM.

4. AJITHKUMAR, S/O. P. GIRIJA,
SOBHANA BHAVAN, T.C.49/1143, CHIRAMUKKU,
IRANIMUTTOM, MANACAUD P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.ANIL K.NARENDRAN

RESPONDENTS: PETITIONER:

K. PRABHAKARAN, S/O. KRISHNAN,
T.C.NO.48/584, MANACAUD, THIRUVANANTHAPURAM.

BY ADV. SRI.P.GOPALAKRISHNAN NAIR
SRI.ABDUL KAREEM.A.

THIS MATRIMONIAL APPEAL HAVING BEEN FINALLY HEARD ON 04/01/2007, ALONG WITH MA NO.137 OF 2006 MA NO.146 OF 2006 MA NO. 223 OF 2006 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KURIAN JOSEPH & K.T.SANKARAN,JJ.

Mat.Appeal Nos.100, 137, 146 & 223 of 2006

Dated this the 4th day of January, 2007

JUDGMENT

Sankaran, J.

The dispute between the parties in four matrimonial appeals have been settled and a compromise petition signed by all the parties has been filed, which we have allowed by order in I.A.No.25 of 2007. As per the terms of the compromise, the first party in the compromise petition, namely, K.Prabhakaran and Meera @ S.Neena have to execute a sale deed in respect of two items of property in favour of K.Girija, first among the second party. As part of the compromise, the second party, namely, P.Girija, Suresh Kumar, Anil Kumar and Ajith Kumar agreed that the release deed No.737/1988 dated 8-3-1988 executed by Girija is valid and in force and that K.Prabhakaran in whose favour the release deed was executed shall be the absolute owner in possession of the B Schedule property in O.S.No.359/1994. It is

also agreed by the second party that Mat Appeal No.223/2006 can be allowed to the above extent. The first party agreed that they will not claim any right, title or interest in respect of the 12 cents of land covered by document Nos. 2319/74 and 530/75 and the second party shall have absolute right, title and possession over the same. It is also agreed that the second party shall not press or prosecute O.P.No.335/2006 filed for partition and which is now pending before the Family Court, Trivandrum. The various terms are incorporated in the compromise petition and the parties agreed that hereafter there will be no interse claims or rights against each other in respect of the matters mentioned in the compromise petition.

2. I.A. No.2464/2006. As part of the compromise and as a means of settlement of all the disputes and differences between the parties, after prolonged discussions, K.Prabhakaran and his wife P.Girija have come to a conclusion that it would be no longer in the interest of both parties to continue the marital relationship. It is

stated that from 1988 onwards they are living separately and the marriage between the parties has irretrievably broken down. In terms of the package of settlement, Prabhakaran and Girija have filed a petition under Section 13B of the Hindu Marriage Act in Mat Appeal No.100/2006. In the peculiar facts and circumstances of the case and since we are satisfied that there is no collusion between the parties, we are inclined to allow this petition and dissolve the marriage between K.Prabhakaran and P.Girija.

3. In view of the compromise, the Mat Appeals are disposed of, recording the compromise and in terms of the compromise. Accordingly Mat Appeal No.223/2006 is disposed of holding that O.S.No.359/1994 on the file of the Family Court, Trivandrum has become unnecessary and disposed of in terms of the compromise and in terms of the order in I.A.No.2464/2006 mentioned herein above. Mat Appeal No.146/2006 is disposed of holding that O.S.No.359/1994 has become unnecessary in view of the compromise. Accordingly O.S.No.359/1994 is dismissed as settled

between the parties. Mat Appeal Nos.100/2006 and 137/2006, which arise out of O.P.No.582/1997, are disposed of holding that in view of the compromise, O.P.No.582/1997 has become unnecessary. Accordingly O.P.No.582/1997 on the file of the Family Court, Trivandrum is dismissed as settled out of court.

(KURIAN JOSEPH, JUDGE)

(K.T.SANKARAN, JUDGE)

ahg.